



**IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.**

**Dated: May 06, 2014.**

A handwritten signature in black ink that reads "Tony M. Davis".

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**TONY M. DAVIS  
UNITED STATES BANKRUPTCY JUDGE**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**IN RE:**

**FIRED UP, INC.**

**DEBTOR<sup>1</sup>**

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**CASE NO. 14-10447  
(Chapter 11)**

**ORDER GRANTING DEBTOR'S EMERGENCY [FIRST] MOTION TO  
REJECT UNEXPIRED LEASES ON NON-RESIDENTIAL REAL PROPERTY  
PURSUANT TO 11 U.S.C. § 365 NUNC PRO TUNC TO THE PETITION DATE**

The Court considered the Debtor's Emergency [First] Motion to Reject Unexpired Leases of Non-Residential Real Property Pursuant to 11 U.S.C. § 365 *Nunc Pro Tunc* to the Petition Date (the "Motion") on May 1, 2014. The Court finds that notice of the Motion is sufficient

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<sup>1</sup> Until February 26, 2014, Debtor's business was being operated partially by the Debtor and partially by its two wholly owned subsidiaries, Kona Restaurant Group, Inc. and Carino's Italian Kitchen, Inc.. Those entities were merged into the Debtor on that date.

under the circumstances and that good cause exists for the requested relief to be granted.

Accordingly, it is therefore:

**ORDERED** that the Motion is GRANTED as described herein; and it is further

ORDERED that pursuant to 11 U.S.C. § 365, the rejection of the Real Property Leases identified on Exhibit “A” attach hereto with the exception of the leases with National Retail Properties (“NRP”) for its leases in Beaumont and Lewisville, Texas, and Debtor’s lease with AEI Accredited Investor Fund 2002, Ltd. Partnership (“AEI”) for its location in Longmont, Colorado, be and is hereby approved, effective as of the Petition Date. It is further

ORDERED that Debtor’s request to reject its leases with NRP for its Beaumont and Lewisville locations *nunc pro tunc* and NRP’s objection to same shall be addressed by a separate order. It is further.

ORDERED that pursuant to 11 U.S.C. § 365, the rejection of the Debtor’s Real Property Lease with AEI for Longmont, Colorado, as more specifically set forth below, is hereby approved, effective as of April 3, 2014:

Store	Property Address	Landlord	Contract Date
37	2033 Ken Pratt Blvd., Longmont, CO 80501	AEI Accredited Investor Fund 2002 Ltd. Partnership	12/30/2003

It is further

ORDERED that any claim by the non-Debtor parties arising from the rejection of any Real Property Leases with the exception of the leases with NRP for its leases in Beaumont and Lewisville, Texas shall be deemed to constitute a prepetition claim against the Debtors, pursuant to Section 365(g) of the Bankruptcy Code; and it is further

ORDERED that any claims for rejection of the unexpired leases shall be filed by the general bar date in this case; and it is further

ORDERED that the Debtors shall promptly serve a copy of this Order on all counterparties of the Real Property Leases; and it is further

ORDERED that the Court hereby retains jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order

All relief not expressly granted in this order is denied.

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APPROVED AS TO FORM:

/s/Stephen W. Sather

Stephen W. Sather

Attorney for Debtor (Proposed)

/s/Cassandra Stepanik

Cassandra Sepanik

Attorney for National Retail Properties, LP

Prepared and submitted by:

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ATTORNEYS FOR THE DEBTORS

**EXHIBIT A - LEASE REJECTION MOTION**

Store ID	Location	Lessor	Lease Type	Leasehold Property Location	Notice Address, Facsimile and Email Address	Contract Date	Closed Date
37	Longmont	AEI Accredited Investor Fund 2002 Ltd. Partnership	Real Property Lease	2033 Ken Pratt Blvd., Longmont, CO 80501	AEI Accredited Investor Fund 2002 LTD Partnership 1300 Minnesota World Trade Center St. Paul, MN 55101-4901	12/30/2003	1/5/2014
85	Lake Charles	AEI Income & Growth Fund 25 LLC	Real Property Lease	2638 Derek Drive Lake Charles, LA 70607	AEI Income & Growth Fund 25 LLC 30 East 7th St., Ste 1300 St. Paul, MN 55101	12/9/2003	1/5/2014
98	Pueblo	AEI Income & Growth Fund 25 LLC	Real Property Lease	5700 N. Elizabeth St. Pueblo, CO 81008	AEI Income & Growth Fund 25 LLC 30 East 7th St., Ste 1300 ST. Paul, MN 55101	11/20/2004	10/21/2013
42	McAllen	Cassidy Turley Midwest, Inc.	Real Property Lease	421 E. Nolana Loop McAllen, TX 78504	Cassidy Turley Midwest, Inc. Lockbox #129, POB 1575 Minneapolis, MN 55480-1575	12/30/2003	10/21/2013
44	Lakewood	Cassidy Turley Midwest, Inc.	Real Property Lease	389 S. Wadsworth Blvd. Lakewood, CO 80226	Cassidy Turley Midwest, Inc. Lockbox #129, POB 1575 Minneapolis, MN 55480-1575	4/19/2000	10/21/2013
66	Irving	Cassidy Turley Midwest, Inc.	Real Property Lease	510 LBJ Freeway (West IH-635) Irving, TX 75063	Cassidy Turley Midwest, Inc. Lockbox #129, POB 1575 Minneapolis, MN 55480-1575	11/5/2002	1/5/2014

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81	Mansfield	Cassidy Turley Midwest, Inc.	Real Property Lease	960 N. Hwy 287 Mansfield, TX 76063	Cassidy Turley Midwest, Inc. Lockbox #129, POB 1575 Minneapolis, MN 55480-1575	4/3/2003	1/5/2014
84	Longview	Cassidy Turley Midwest, Inc.	Real Property Lease	411 B East Loop 281 Longview, TX 75605	Cassidy Turley Midwest, Inc. Lockbox #129, POB 1575 Minneapolis, MN 55480-1575	11/5/2003	12/3/2013
51	Texarkana	Gentilis	Real Property Lease	3402 St. Michael Dr. Texarkana, TX 75503	Gentilis c/o Moja Lynn Lindsey Post Office Box 810 Redwood Valley, CA 95470	3/10/1998	12/5/2013
90	Missouri City	MAGDALENA PROPERTIES LLC	ground lease	5750 Hwy. 6, Missouri City, TX 77459	Magdalena Properties LLC 2340 Westcliffe Lane #C Walnut Creek, CA 94597	11/12/2003	10/17/2013
95	Ft Worth - Hulen	Moondance, Inc.	Real Property Lease	5900 S. Hulen St. Fort Worth, TX 76132	Moondance, Inc. 1514 Ranch Road 620 South Lakeway, TX 78734	5/12/2005	1/5/2014
<del>46</del>	<del>Beaumont</del>	<del>National Retail Properties</del>	<del>Real Property Lease</del>	<del>3805 I-10 South Beaumont, TX 77705</del>	<del>National Retail Properties 450 S. Orange Ave. Suite 900 Orlando, FL 32801</del>	<del>1/29/2001</del>	<del>1/5/2014</del>
<del>50</del>	<del>Vista Ridge</del>	<del>National Retail Properties</del>	<del>Real Property Lease</del>	<del>595 E. Round Grove Road Lewisville, TX 75067</del>	<del>National Retail Properties 450 S. Orange Ave. Suite 900 Orlando, FL 32801</del>	<del>7/25/1997</del>	<del>1/5/2014</del>
47	Greeley	Native Land Investments, Ltd.	Real Property Lease	2473 28th Street Greeley, CO 80634	Native Land Investments, Ltd. 1514 Ranch Road 620 South Lakeway, TX 78734	9/24/2013	10/21/2013
104	West Little Rock	Pleasant Ridge Development Co., LLLP	ground lease	11600 Pleasant Ridge Rd., West Little Rock, AR 72223	Pleasant Ridge Development Co., LLLP 11601 Pleasant Ridge Road, Ste	8/10/2004	1/5/2014

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96	Tyler	RC NELMS JR. HILLCREST TRUST	Real Property Lease	1725 Loop 323 WSW Tyler, TX 75701	RC Nelms Jr. Hillcrest Trust 4659 CHRISTOPHER PLACE Dallas, TX 75204-1610	5/12/2005	1/5/2014
59	Grand Junction	Wilmington Center LLC	Real Property Lease	2840 Hwy. & 50, Grand Junction, CO 81505	Wilmington Center LLC 9471 Lomitas Ave. Beverly Hills, CA 90210	9/28/2007	2/24/2014